IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C).No. 17520 of 2007(I)

PETITIONER:

ALI AKBAR K.K.,
KALLERIKKATT HOUSE, TRIPANGORE P.O.,
MALAPPURAM DIST.

BY ADV. SRI.K.P.SUDHEER

RESPONDENTS:

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1. SUB INSPECTOR OF POLICE,
TIRUR POLICE STATION, TIRUR,
MALAPPURAM DIST.

2. THE REVENUE DIVISIONAL OFFICER,
TIRUR.

ADDL.R3. THE DISTRICT COLLECTOR,
MALAPPURAM (IMPLEADED AS ADDL.R3 AS PER ORDER IN I.A.7632/07 DATED 8.06.2007).

BY GOVERNMENT PLEADER SMT. ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.17520 OF 2007

DATED THIS THE 8th DAY OF JUNE, 2007

JUDGMENT

The petitioner's autorikshaw bearing registration No.KL 55A/1934 has been seized by the respondents on allegations of transportation of river sand illegally. The petitioner submits that he has not used his autorikshaw for transportation of sand but the same was used for transportation of meat. Since the matter has to be finally decided by the additional 3rd respondent in exercise of his powers under the Kerala Protection of River Banks and Regulation of Removal of Sand Mining Act, 2001, I am of opinion that it is not necessary to detain the vehicle pending passing of final orders by the 3rd respondent. Accordingly, I direct the 1st respondent to release the vehicle to the petitioner on his paying an amount of Rs.25,000/- and producing proof of ownership of the vehicle. This is subject to further condition that the petitioner shall not alienate or otherwise part with possession of the vehicle, till final orders are passed by the 3rd respondent.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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